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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3-06-70184 BZ
)	
Plaintiff,)	
)	
v.)	PROPOSED ORDER AND
)	STIPULATION EXTENDING TIME
MARCO FLORES-MEDRANO,)	UNDER RULE 5.1 AND EXCLUDING
aka Marco Flores,)	TIME UNDER THE SPEEDY TRIAL ACT
)	
Defendant.)	
)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties initially appeared on the instant matter March 21, 2006 for defendant's initial appearance on the complaint. On April 4, 2006, the parties appeared in front of the Honorable James Larson for arraignment, time was waived, and the matter was continued to April 14, 2006 for arraignment. On April 14, 2006, the parties appeared in front of the Honorable James Larson for status and the matter was again continued to April 28, 2006.

2. On April 28, 2006, the parties appeared in front of the Honorable James Larson for status and the matter was continued to May 3, 2006 for arraignment.

3. On April 28, 2006, Assistant Public Defender David W. Fermino, who represents the defendant, requested an exclusion of time from April 28, 2006 to May 3, 2006, based on effective preparation and continuity of counsel. The defendant agreed to an extension of time for

the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties are involved in discussions which appear likely to lead to pre-indictment resolution of this case. Therefore, the parties are requesting an extension of time under Rule 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree that the time from April 28, 2006 to May 3, 2006 should be extended under Rule 5.1(d) and excluded in computing the time within which an information or indictment must be filed. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

4. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See id. The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

5. For the reasons stated, the time period from April 28, 2006 to May 3, 2006 is extended under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

IT IS SO STIPULATED.

DATED: _____

Respectfully Submitted,

/S/

NAHLA RAJAN
Special Assistant United States Attorney

DATED: _____

/S/

DAVID W. FERMINO
Counsel for Marco Flores Medrano

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 2, 2006

HONORABLE

